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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/647,130	03/05/2001	Dieter Dohring	TURKP0113US	4010

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05/07/2003

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EXAMINER

FISCHER, JUSTIN R

ART UNIT

PAPER NUMBER

1733

3

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/647,130

Applicant(s)

DOHRING ET AL.

Examiner

Justin R Fischer

Art Unit

1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 April 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-8.

Claim(s) withdrawn from consideration: _____.


8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5: Regarding the after final amendment, only minor editorial changes have been proposed in claims 1 and 7 (claim 7 in response to 112, 2nd ¶ rejection set forth in Paper Number 10) and as such, the after final amendment has been entered for purposes of appeal.

With respect to the request for reconsideration, applicant contends that Baranyi is primarily focused with laminates having a plate thickness below 1.0 mm and as such, the introduction of a separate layer (emery/corundum) in the techniques of Baranyi would result in increased internal stresses leading to warping, which compromises the desired benefits of Baranyi. Applicant is pointed to Column 10, Lines 57-60 and Column 11, Lines 8-10 to evidence that the techniques of Baranyi are not limited to laminates having a thickness below 1.0 mm. Furthermore, as previously set forth and acknowledged by applicant, the final composite laminate of Baranyi is permanently joined and adhered, suggesting that the introduction of emery (corundum) particles in the laminate of Baranyi to prevent lateral delamination and improve resistance to shearing would have been within the purview of one of ordinary skill in the art at the time of the invention in accordance to the limitations of the claimed invention. It is emphasized that Watson specifically teaches the use of emery (corundum) particles between impregnated plies, wherein said particles can be disposed or sprinkled on a wet or dried ply and subsequently processed to arrive at the final composite laminate (Page 1, Lines 16-34). Lastly, regarding the alleged differences between the laminates of Watson and Baranyi, Watson is directed to a laminated composite in which emery particles are disposed between impregnated plies (synthetic resin) and Baranyi, for example in Figure 5, discloses a laminate composite formed of two, impregnated plies (overlay and ply). It is not understood how the teachings of Watson are inconsistent with the laminate composite structures disclosed by Baranyi.


Justin Fischer

May 5, 2003


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GROUP 1300